

Message Text

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70

ACTION ARA-20

INFO OCT-01 ISO-00 INRE-00 NSCE-00 SSO-00 L-03 EB-11 H-03

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FM AMEMBASSY PORT AU PRINCE

TO SECSTATE WASHDC IMMEDIATE 8354

C O N F I D E N T I A L PORT AU PRINCE 1492

E.O. 11652: GDS

TAGS: EFIN, ETRD, EIND, HA

SUBJECT: US PRIVATE COMMERCIAL DISPUTES WITH GOH

1. DURING CALL ON PRESIDENT DUVALIER AUGUST 2, ACCOMPANIED BY NEW DCM THOMSON, I POINTED OUT THAT SENATE FINANCE SUBCOMMITTEE HEARINGS JULY 23 ON AID TO HAITI (SEPTTEL) HAD AFFORDED OPPORTUNITY TO TWO PRIVATE US CITIZENS TO PUBLICIZE IN CONTEXT OF HEARINGS THEIR PERENNIAL UNRESOLVED DISPUTES OVER COMMERCIAL CONTRACTS WITH GOH.

2. DUPONT CARIBBEAN (RE STATE 167438 8/1/74): THOMSON, WHO HAD ATTENDED HEARINGS, EXPLAINED ESSENCE OF PIRSON'S COMPLAINT WAS THAT HE COULD NOT GET EFFECTIVE ACCESS TO LEGAL OR ADMINISTRATIVE REMEDIES IN HAITI. IN ABSENCE AGREED SETTLEMENT OR EFFECTIVE PRESENTATION GOH POSITION, QUESTION OF APPLICABILITY HICKENLOOPER AND GONZALEZ AMENDMENTS COULD EVENTUALLY ARISE.

3. PRESIDENT REPLIED (AS HE HAS ON PREVIOUS OCCASIONS) THAT GOH WAS DISSATISFIED WITH PIERSON'S PERFORMANCE AND BEHAVIOUR ON NUMEROUS COUNTS, FOR EXAMPLE, PIERSON HAD AT ONE POINT SENT TELEX MESSAGE PERSONALLY TO DUVALIER OFFERING HIM 10 MILLION SHARES IN TORTUGA ENTERPRISE, EVIDENTLY AS PRICE FOR REINSTATEMENT OF CONTRACT.

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4. I SUGGESTED PRESIDENT CONSIDER PROVIDING COPY THAT MESSAGE.

IN REPLY, HE SAID HE WOULD INSTRUCT DEPARTMENT FOREIGN AFFAIRS TO PROVIDE US "COMPLETE DOSSIER" ON PIERSON SO WE COULD EVALUATE HIS NON-PERFORMANCE OF CONTRACTUAL PROVISIONS. WE WILL PURSUE WITH THAT DEPARTMENT, BUT FOREGOING SHOULD BE KEPT CONFIDENTIAL UNTIL WE CAN SEE WHAT GOH MAY PROVIDE IN WRITING. THIS SUBMISSION CLEARLY NOT POSSIBLE IN TIME FOR AUGUST 6 MEETING WITH PIERSON BUT COULD HAVE MAJOR BEARING ON VIEWS REQUESTED REFTEL.

5. SINCE OUR PRELIMINARY VIEWS (REPORTED SEPTTEL) ARE THAT AMICABLE RESOLUTION OF DISPUTE UNLIKELY, SUGGEST DEPARTMENT MAY WISH TO LIMIT ITS OWN COMMENTS DURING AUGUST 6 INTERVIEW IN HOPE THAT INTENSIVE STUDY OF THE SUMMARY MATERIAL PIERSON IS TO PROVIDE AND PROMISED NEW GOVT MATERIAL WILL OPEN UP ADDITIONAL POSSIBLE COURSES OF ACTION FOR US GOVERNMENT.

6. AEROTRADE INTERNATIONAL. WE ALSO MENTIONED THAT, ASIDE FROM MERITS OF CASE, THIS FIRM PUT BEFORE SUBCOMMITTEE SIMILAR ALLEGATION THAT COMPANY UNABLE GAIN EFFECTIVE ACCESS TO GOH OR RECOURSE TO HAITIAN LEGAL REMEDIES (INCLUDING BYERS' ALLEGATION THAT REPRESENTATIVE

CONFRONTED AT AIRPORT BY ARMED AGENT OF GOH AND SENT ONWARD TO PUERTO RICO). PRESIDENT WAS UNRESPONSIVE ON THIS CASE OTHER THAN TO NOTE THAT MUCH OF EQUIPMENT DELIVERED WAS OBSOLETE.

7. LATEST MOVE BY EMBASSY ON AEROTRADE WAS NOTE TO DEPARTMENT FOREIGN AFFAIRS JULY 30, 1974 (BEING POUCHED ARA/LA-CAR, GEORGE HIGH).
ISHAM

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